

SIKKIM



GOVERNMENT

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**GOVERNMENT OF SIKKIM
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT
GANGTOK**

No. 01/L&PAD/2022

Dated: 11.04.2022

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 04th day of April, 2022 is hereby published for general information: -

NETAJI SUBASH CHANDRA BOSE UNIVERSITY OF EXCELLENCE ACT, 2022

ACT NO. 09 OF 2022

AN

ACT

to establish Netaji Subash Chandra Bose University of Excellence (NSBUoE), an institute par excellence in teaching and research in the State of Sikkim, and to provide for matters connected therewith or incidental thereto.

To provide for higher education leading to excellence and innovations in such branches of knowledge as may be deemed fit primarily at undergraduate, postgraduate and research degree levels fully conforming to the concept of the University being established under this Act.

And whereas the Government of Sikkim is committed to making a state-of-art institute of higher education at par with national and global standards to create educational opportunities for national and international students including meritorious students of North-Eastern region of India and Sikkim in collaboration with SIBIN Group, an experienced registered firm, as "Implementing Partner" under Public-Private Partnership by establishing the Netaji Subash Chandra Bose University of Excellence;

And whereas the Implementing Partner, SIBIN Group, having extensive experience in the field of education in North-Eastern region of India, and the State of Sikkim;

And whereas the Netaji Subash Chandra Bose University of Excellence is to be a global inclusive University offering multi, inter and trans-disciplinary courses with cutting edge research environment and innovative learning methodologies with local ethos, addressing

national goals and fostering global orientation, creating global leaders by advancing critical thinking and knowledge, from maintaining sustenance of life on earth to ensuring the benefit of a healthy planet to all;

And whereas it is deemed expedient therefore to establish the Netaji Subash Chandra Bose University of Excellence for the purposes hereinafter appearing;

BE it enacted by the Legislature of Sikkim in the Seventy-third Year of the Republic of India as follows:

Chapter I

Short title and Commencement

1. (1) This Act may be called the Netaji Subash Chandra Bose University of Excellence, University Act, 2022.
- (2) It shall come into force on such date or dates as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of the Act.

Definition

2. In this Act, and in all Statutes or Rules and Regulations made hereunder, unless the context otherwise requires:-
 - (1) "Academic staff" means such categories of staff as are designated as academic staff by the Ordinances;
 - (2) "Act" means this Act passed by the Sikkim Legislative assembly and having received the assent of the Governor on such date or dates as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of the Act;
 - (3) "Board" in relation to this University, means the Board of Governors as defined in Section 18;
 - (4) "Campus" means Campus of the University to be established under this Act, wherein its major facilities, faculty, staff, students and its Academic Departments are located in Sikkim;
 - (5) "Chief Finance and Accounts Officer" means the person who shall be the principal finance, accounts, and audit officer of the University, as defined in Section 15;
 - (6) "Committees" means the committees constituted by the authorities and officers of the University as defined in Section 24 and specified by the Statutes and Ordinances;
 - (7) "Contract Agreement" means the contract agreement dated 6th day of April 2021 executed between State Government and Implementing Partner, for establishing, managing and operating the Netaji Subash Chandra Bose University of Excellence;
 - (8) "Controller of Examinations" means the person who shall be the Principal Officer-in-Charge of the conduct of examinations and test(s) of the University as defined in Section 14;

- (9) "Deans" means persons as stated in Section 12 and comprises of Deans of Schools, Dean of Student Affairs, Dean of Academic Planning and others as specified by the Statutes and Ordinances;
- (10) "Department" means a Department of Studies and includes a Centre of Studies;
- (11) "Employee" means any person appointed by the University and which includes teaching and non-teaching staff of the University;
- (12) "Fee" means monetary collection made by the University or its colleges, institutions or study centres, as the case may be, from the students by whatever name it may be called;
- (13) "Fund" means the fund(s) of the University;
- (14) "Government" or "State Government" means the Government of Sikkim;
- (15) "Hostel" means a unit of residence for the students of the University or its institutions and study centres, established or recognized to be as such by the University;
- (16) "Implementing Partner" means SIBIN Group, an experienced registered firm selected by the Government for the purpose, having its registered office at Gangtok, East Sikkim, and as defined in the Contract Agreement executed between the Government and SIBIN Group;
- (17) "Institution" means an academic or research institution, which may or may not be maintained by, or admitted to the privileges of the university;
- (18) "Member" means a member of the University;
- (19) "Notification" means a notification published by the University or by the State Government and the expression "notify" shall be construed accordingly;
- (20) "Official Gazette" means the Sikkim Government Gazette;
- (21) "Ordinances", means the Ordinances of the University made under this Act;
- (22) "Other Officers" means the persons as defined in Section 16 and as specified by the Statutes and Ordinances;
- (23) "President" means the person who shall be the Chief Executive and Principal Academic Officer of the University, as defined in Section 10;
- (24) "Prescribed" means prescribed by the Statutes or Ordinances or Rules or Regulations, as the case may be, made by or under this Act;
- (25) "Public-Private Partnership" means such partnership which provides for the establishment of the University between the State Government and Implementing Partner through the Contract Agreement;

- (26) "Regulatory Body" means a body established by the Government of India for laying down norms and conditions for ensuring academic standards of higher education, such as University Grants Commission (UGC), All India Council of Technical Education (AICTE), Council of Architecture, National Medical Commission (NMC), Dental Council of India (DCI), National Council for Teacher Education (NCTE), Bar Council of India (BCI), Indian Nursing Council (INC), etc. National Assessment and Accreditation Council (NAAC), National Institute of Rankings Framework (NIRF), Indian Council of Agriculture Research (ICAR), Distance Education Bureau (DEB), Council of Scientific and Indian Research (CSIR), etc. or any other Regulatory body so formed by the Government of India for regulations of the guidelines for Higher Educational Institutes;
- (27) "Rules" means rules created by the authorities of the University consistent with the provisions of this Act and in force under the Statutes;
- (28) "School" means various schools of studies of the University;
- (29) "Senate (Academic)" means the Academic Senate of the University, as defined in Section 19;
- (30) "Senate (Administrative)" means the Administrative Senate of the University, as defined in Section 20;
- (31) "Society" means the "Netaji Subash Chandra Bose University of Excellence Society" (NSBUoE-SIBIN Society hereinafter) incorporated pursuant to the Contract Agreement, as a Society by both, the Government and the Implementing Agency, under the Sikkim Regulation of Societies, Associations and other Voluntary Organizations Act, 2008 (Act No. 20 of 2008), having its registered office at Gangtok, East Sikkim to manage, operate and run the University;
- (32) "Sponsoring Body" means the NSBUoE-SIBIN Society, registered under the Sikkim Regulations of Societies, Associations and Other Voluntary Organizations Act 2008, as specified in Section 8;
- (33) "Statutes", "Ordinances" and "Regulations" means respectively, the Statutes, Ordinances and Regulations of the University made under this Act;
- (34) "Teachers of the University" means Deans, Professors, Associate Professor, Assistant Professors, Lecturers, trainers etc. whether full-time or part-time or visiting faculty and other persons giving instructions in University, colleges or institutions or faculty or hostels and libraries as may be declared by the Statutes to be teachers thereof;
- (35) "University" means the Netaji Subash Chandra Bose University of Excellence, incorporated as a University under this Act;

- (36) "Vice President" means the person who shall assist the President to oversee the development, implementation and assessment of the academic programs and policies, as defined in Section 11.

Chapter II

Establishment of the University

3. (1) There shall be established, in the State of Sikkim, a University by the name of "Netaji Subash Chandra Bose University of Excellence" (NSBUoE).
- (2) The main campus of the University shall be at Chakung, Soreng District, West Sikkim.
- (3) The Board of Governors, President, the Vice President, the first members of the Senate (Academic) and Senate (Administration) and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership of the University are hereby constituted a body corporate by the name of "Netaji Subash Chandra Bose University of Excellence".
- (4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

Objectives of the University

4. (1) To perform:-
- (a) All Educational functions.
 - (b) Sponsored Research and Consultancy functions.
 - (c) Continuing Education and Extension functions.
 - (d) Development and Service functions.
 - (e) Management functions.
- (2) To impart education with strong inter-disciplinary and innovative programmes with matching research capabilities and to achieve peer recognition and verifiable scholarly attainment and research output.
- (3) To introduce liberal studies-based and non-conventional programmes of study along with professional courses that result in higher employability.
- (4) To engage in areas of specialization with proven ability to make distinctive contributions to the objectives of the university education system that is- academic engagement clearly distinguishable from programmes of an ordinary nature that lead to conventional degrees in Liberal Arts, Science, Design, Engineering, Medicine, Dental, Pharmacy, Management, etc. routinely offered by conventional institutions.
- (5) To provide for high-quality teaching and research and for the advancement of knowledge and its dissemination through various

research programmes undertaken in-house by a substantial number of full-time faculty/research scholars (Ph.Ds and Post-Doctoral) in diverse disciplines.

- (6) To provide with the prior permission of Regulatory bodies, facilities and offer opportunities for instruction and learning in areas of Liberal Arts, Science, Engineering Technology, Management Studies, Medical Sciences, Para-Medical Courses, Dental Sciences, Health Sciences, Travel and Tourism Studies, Legal Studies, Design and Fashion Technology, Visual Communication, Yoga and Health Education and related academic courses in the levels of undergraduate, graduate and postgraduate and research programmes which are relevant to the current needs of the society, alive to the long term requirements and responsive to the anticipated changes and developments in terms of breadth of diversity and depth of specialization. Such educational and research opportunities will be offered to all the deserving students desirous of pursuing such a course of study, without any discrimination of nativity, religion, caste or creed.
- (7) To formulate and maintain standard curriculum and system of education at par with national and global standard in all academic areas which the University offers.
- (8) To become a consortium of eminent minds from myriad walks which helps shape promising young minds and fosters holistic development.
- (9) To appoint Professors, Associate Professors, Asst. Professors, Consultants and Research Assistants for teaching, training and to carry on academic work, research and also administrative staff of the University.
- (10) To promote such objectives within the campus and if necessary, outside the campus, particularly where special training facilities are available or required.
- (11) To appoint national and international Professors, Associate Professors, Assistant Professors, Consultants and Research Assistants for teaching, training and to carry on academic work, research and also administrative staff of the University under this Act.
- (12) To conduct faculty exchange programmes and organise lectures of mutual interest and benefit both at National and International levels.
- (13) To serve as a centre for fostering co-operation and exchange of ideas between the academic and research community on the one hand and the Industrial and Government machinery on the other and to promote entrepreneurship among the students.
- (14) To organize lectures, seminars, symposia, and conferences.
- (15) To undertake sponsored Research & Development and continuing education providing knowledge-based advice and

consultancy, preparation/publication of educational material like books/study reports/research papers and extending services to society.

- (16) To cater to the local, national and global needs through a focus on critical development areas of global relevance.
- (17) To put the Eastern Himalayas at the apex of global education.
- (18) To inculcate necessary values, awareness of heritage, and ethos in learners.
- (19) To harness the diverse natural, cultural, architectural, and intellectual resources and heritage of the hills and the mountain regions.
- (20) To network, integrate, and collaborate with communities, best universities, non-profit institutions, educational and professional institutes of the world.
- (21) To execute cross-nation exchange programs, internships, study and research opportunities.
- (22) To design and practice global learning practices aiding blended and collaborative teaching and learning.
- (23) To set up state-of-the-art research laboratories and centres, simulated environments, e-resources-based libraries, archives and museums, biodiversity parks, gene pools, and germplasm gardens and strive to make these accessible for individuals external to the Netaji Subash Chandra Bose University of Excellence (NSBUoE).
- (24) To provide world-class learning spaces and accommodation facilities for all learners, researchers, faculty, and staff.
- (25) To gain national and international accreditation for the pursuit and recognition of excellence.
- (26) To have a greater interface with society through extra-mural, extension and field action related programmes.
- (27) To develop a sense of ethos in the University community, making it conscious of its obligations to the society, State and to the nation.

Powers of the University

5. Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely:-
 - (1) to establish, administer and manage the University and its constituent colleges and academic centres for research, education, training, extension and outreach including continuing education, distance learning at its campus within the state;
 - (2) to sponsor and undertake research in all aspects of Liberal Arts, Science, Engineering Technology, Management Studies, Medical Sciences, Para-Medical Courses, Dental Sciences, Health Sciences, Travel and Tourism Studies, Legal studies, Design and

Fashion Technology, Visual Communication, Yoga and Health Education, or in any other field of study as the University may deem fit;

- (3) to provide for instructions in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge;
- (4) to create academic, administrative, technical and other posts under the University and to make appointments thereto based on criteria as may be decided by the University officers or authorities or regulatory bodies;
- (5) to secure merit-based extra-mural research funding from various public and private agencies;
- (6) to create a web portal, highlighting all information not restricted to those related to students, admission, fee, administrative structure, policies including recruitment rules, faculty and non-faculty posts, annual reports of the University;
- (7) to confer honorary degrees, titles and other distinctions under conditions prescribed;
- (8) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;
- (9) to make provisions and adopt all measures (including adoption and updating of the curriculum in respect of study, teaching and research) relating to the courses through traditional as well as new innovative modes including online education mode;
- (10) to lead, organise and conduct research and innovation in allied fields of knowledge in such manner as the University may deem fit, including in collaboration or association with any other entity of repute, educational institution, research organisation, body corporate or financial organisations at the national or global level;
- (11) to institute and award fellowships, travelling fellowships, scholarships, studentships, bursaries, prizes, and medals in accordance with the Statutes;
- (12) to provide for under-graduate, post-graduate, doctoral and post-doctoral teaching and research in the relevant disciplines;
- (13) to establish, maintain and manage hostels and to recognize places of residence for the students of the University and to withdraw such recognition to any such place of residence;
- (14) to determine and fix fees, demand and receive such fees as may be prescribed by the University from students and any other person, institution or body corporate for training, coaching, instructions, hostel, consultancy, advisory and other services, provided by or through the University;

- (15) to hold examinations and grant degrees, diplomas and other academic distinctions or titles and to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;
- (16) to affiliate or establish such Special Centres, Schools, Institutes, Colleges, Specialised Study Centres, Centres of Excellence, Off-campus Centres which may serve as a lead agent for all other institutions to emulate or other units for research and instructions and for promotion of distance education centres as are, in the opinion of the University, necessary for the furtherance of its objects within the State subject to prior approval of the prevailing Regulatory Body;
- (17) to deal with any property belonging to, or vested in, the University in such manner as the University may deem fit for advancement of the objectives of the University provided that no land or other immovable property shall be disposed of by the University without the prior approval of the Board of Governors;
- (18) to establish and maintain such infrastructure as may be necessary, incidental or conducive to the attainment of the objectives of the University;
- (19) to co-operate with universities or institutions of higher learning in any part of the world having objects wholly or partly similar to those of the University, by exchange of teachers and scholars and generally in such manner as may be conducive to the common objects;
- (20) to appoint persons working in any other institutes, universities or industries involved in research of significance as an adjunct, guest or visiting faculty of the Institute on such terms and for such duration as the University may decide;
- (21) to make provision for dissemination of knowledge emerging from research and for that purpose to enter into such arrangements, including consultancy and advisory services, with other corporate, academic or government institutions, industry, civil society or other organisations, as the University may deem fit;
- (22) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, employees and other academic staff;
- (23) to co-operate with any other industry, organization or institution in the matters of education, training and research for such purposes as may be agreed upon on such terms and conditions as the University may, from time to time, determine;
- (24) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheque or other negotiable instruments;
- (25) to receive and accept grants, subventions, subscriptions, donations, endowments, securities or properties and gifts for the

purposes of the University on such terms it may deem expedient and consistent with the objects for which the University is established;

- (26) to, with prior approval of Board of Governors and in consultation with Sponsoring Body, borrow for purposes of the University from Banks, Financial Institutions, private sources, secured or otherwise, to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities upon all or any of the properties and assets of the University, or without any securities and upon such terms and conditions as it may deem fit and to pay out of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;
- (27) to, with prior approval of Board of Governors, invest the funds of the University, money entrusted to the University in or upon such securities and in such manner as it may deem fit and from time to time transpose any investment;
- (28) to acquire, hold and manage, and to dispose of, with the prior approval of the Board of Governors, any property, movable or immovable, including trust and endowment properties for the purposes of the University;
- (29) to establish and maintain hostels and residences for the students and staff respectively of the University and to make arrangements for promoting the health and general welfare of the students and staff;
- (30) to create academic, technical, administrative, senates, ministerial and other posts and to make appointments thereto and to lay down conditions of service of all categories of employees, including their code of conduct;
- (31) to regulate, enforce, control and maintain discipline among the students and among all categories of employees including their code of conduct and to take such disciplinary measures as may be deemed necessary;
- (32) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of its objects, powers and functions or any one of them.

**University open to
all classes, castes
and creed**

- 6. (1) The University shall be open to all for admission or appointment creating an inclusive environment providing equitable access to members, students, teachers or workers irrespective of their class, caste, gender, ethnicity, socio-cultural status, geography, physical condition, linguistic background, religion and sexual orientation among others.
- (2) Admissions to every programme of study in the University shall be based on merit assessed through transparent and reasonable

criteria disclosed by the University, before the commencement of the process of admission:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions as prescribed by the Rules and Regulations under the Statutes, Ordinances.

University to be a distinct legal entity not-for-profit

7. (1) The University shall be a not-for-profit legal entity and no part of the surplus, if any, in revenue of the University, after meeting all expenditure in regard to its operations under this Act, shall be invested for any purpose other than for the growth and development of such Institute or for conducting research therein.
- (2) The University shall strive to raise funds for attaining its academic and research goals and to create a corpus of funds for self-sufficiency, sustainability and future development of the University.

Establishment of the University in Public-Private Partnership Mode by the State Government and Implementing Partner

8. (1) The State Government and the Implementing Partner shall be bound by the Contract Agreement, executed on 6th day of April 2021, which shall govern the nature of the partnership between them. All terms and conditions, and roles and responsibilities of the State Government and the Implementing Partners during the contract period shall be determined by the Contract Agreement.
- (2) Pursuant to the Contract Agreement, the State Government and the Implementing Partner shall form a Society, NSBUoE-SIBIN Society, under the Sikkim Regulations of Societies, Associations and Other Voluntary Organizations Act, 2008 (Act No. 20 of 2008) and the Memorandum of Association which shall contain *inter-alia* the aims and object of the Society and its members which shall be in the ratio of 1:2 from the State Government and the Implementing Partner respectively. This Society shall be the Sponsoring Body of the University.

Chapter III

Officers of the University

9. The following shall be the officers of the University, namely: -
- (1) The President;
 - (2) The Vice President;
 - (3) The Deans;
 - (4) The Registrar;
 - (5) The Controller of Examinations;
 - (6) The Chief Finance and Accounts Officer; and
 - (7) Other officers of the University.

All appointments, renewal of tenure, superannuation and termination of the Officers shall be in such manner as may be prescribed by the Rules to be made under the Statutes of this Act.

President

10. (1) The President shall be appointed by the Board of Governors for a period of four (4) years, with the recommendation of the Implementing Partner in such manner as may be prescribed by the Rules:

Provided that, after the expiry of the term of four(4) years, the President shall be eligible for re-appointment for another term of two(2) years with the recommendation of the Board of Governors in such manner as may be prescribed by the Rules, which is extendable for another two (2) years.

- (2) The eligibility and criteria for the post of the President shall be as may be prescribed by the Rules and Regulations issued under the Statutes.
- (3) The President shall be the Head of the University. The President shall be the Chief Executive and Principal Academic Officer of the University and shall have the powers of superintendence and control over the affairs of the University and shall execute the decisions of the Board and other statutory authorities of the University.
- (4) The President shall oversee and monitor the administration of the academic programmes and general administration of the university to ensure efficiency and good order of the university *inter-alia* he shall exercise such powers and perform such duties, as may be specified by the Statutes or the Ordinances.
- (5) The President on appointment shall be the ex-officio member of the Board of Governors and shall be accountable to the Board.
- (6) The President shall be entitled to be present, with the right to speak, at any meeting of any other authority or body or committee of the University, and shall be entitled to vote thereat.
- (7) The President shall ensure that directions issued by the Board of Governors are strictly complied with or, as the case may be, implemented.
- (8) The President shall ensure that the directives of the Board of Governors if any, and the provisions of this Act, Statutes, Ordinances and Regulations are strictly observed and that the decisions of the authorities, bodies and committees which are not inconsistent with this Act, Statutes, Ordinances and Regulations are properly implemented.
- (9) The President shall propose and present the Annual Budget of the University to the Board of Governors for approval.
- (10) The President shall promote and maintain effective communication with both internal and external stake-holders.

- (11) If at any time upon representation made or otherwise, and after conducting such investigation as may be deemed necessary and the situation so warrants that if the continuance of the President is not in the interests of the University, the Board of Governors may, by an order in writing stating the reasons therefor, ask the President to relinquish his office from such date, as may be specified in the order as prescribed under the Rules and Regulations:

Provided that, before taking an action under this subsection, the President shall be given an opportunity of being heard.

Vice President

11. (1) The Vice President shall be appointed by the President for a period of four (4) years, with the approval of the Board of Governors in such manner as may be prescribed by the Rules, and shall have responsibilities as may be specified by the Statutes.
- (2) The eligibility and criteria for the post of Vice President shall be as may be prescribed by the Rules and Regulations under the Statutes.
- (3) The Vice President on appointment shall be a member of the Board of Governors.
- (4) The Vice President shall assist the President to oversee the development, implementation and assessment of the academic programs and policies.
- (5) The Vice President will also collaborate with the President in setting overall academic priorities for the University and approve and allocate funds to carry these priorities forward.
- (6) In absence of the President for reasons as prescribed under the Rules under this Act, the Vice President will conduct the duties of the office of the President of the University.

Deans

12. (1) The Deans of Schools shall be appointed by the President with the approval of the Board of Governors in such manner and on such terms and conditions of service, as may be specified by the Statutes.
- (2) The Deans of Schools shall assist the President and the Vice President in managing the academic, teaching and research affairs of the University and shall exercise such powers and perform such functions, as may be prescribed by the Regulations or be entrusted by the President or the Vice President.
- (3) The Dean of Student Affairs shall be appointed by the President in such manner and on such terms and conditions of service, as may be specified by the Statutes.
- (4) The Dean of Student Affairs will assist the President and the Vice President in managing the student affairs of the University

and shall exercise such powers and perform such functions, as may be prescribed by the Regulations or be entrusted by the President or the Vice President.

- (5) The Dean of Academic Planning shall be appointed by the President in such manner and on such terms and conditions of service, as may be specified by the Statutes.
- (6) The Dean of Academic Planning shall assist the President and Vice President in ensuring inter-disciplinary and cross-linkages between various Schools and Departments of the University, developing a university-level convergence of various activities and managing digital initiatives of the University and shall exercise such powers and perform such functions, as may be prescribed by the Regulations or be entrusted by the President or the Vice President.
- (7) The Dean of Institutional and Global Affairs shall be appointed by the President in such manner and on such terms and conditions of service, as may be specified by the Statutes.
- (8) The Dean of Institutional and Global Affairs will assist the President and the Vice President in creating various international collaborations and a broad range of partnerships with universities, research centres and industries in India and abroad and also facilitate promotion of consultancy services, institutional, and industrial tie-ups for the University and shall exercise such powers and perform such functions, as may be prescribed by the Regulations or be entrusted by the President or the Vice President.

Registrar

13. (1) The Registrar shall be appointed by the President with approval of the Board of Governors in such manner and on such terms and conditions of service, as may be specified by the Statutes.
- (2) The Registrar shall be the Chief Administrative Officer of the University.
- (3) On approval of the Board of Governors, he shall have the power to enter into an agreement, contract, sign documents and authenticate records on behalf of the University.
- (4) He shall exercise such powers and perform such duties, as may be specified by the Statutes.
- (5) The Registrar on appointment shall be the Member-Secretary of the Board of Governors, Senate (Administration), Senate (Academic) and such other authorities, bodies, but shall not have the right to vote.
- (6) The Registrar shall be the custodian of the records, the common seal and such other property of the University as the Board of Governors may commit to his charge.
- (7) The Registrar shall make arrangements for the security of the University establishments and shall extend all possible help to

various departments of the University to ensure the security and safety of the University staff and property.

- (8) The Registrar shall be in charge of general disciplinary issues in the campus and shall issue necessary information in form of notices, warnings, instructions regulating certain acts, and other arrangements for the purpose as deemed fit.
- (9) The Registrar shall exercise such other powers and perform such other duties, as may be prescribed by or under this Act, or, as may be conferred on him by the Statutes or, may be assigned to him, by the President or the Board of Governors, from time to time.

**Controller of
Examinations**

- 14. (1) The Controller of Examinations shall be appointed by the President with the approval of the Board of Governors in such manner and on such terms and conditions of service, as may be specified by the Statutes.
- (2) The Controller of Examinations shall be the Principal Officer-in-Charge of the conduct of examinations and tests of the University and declarations of their results. He shall discharge his functions under the superintendence, directions and guidance of the President.
- (3) The Controller of Examinations shall be responsible for:
 - (a) preparing and announcing in advance, the calendar of examinations;
 - (b) arrangement for setting of papers, printing of question papers with strict secrecy, and to arrange for the evaluation of answer-sheets in an efficient manner;
 - (c) arrangement for the timely publication of results of examinations and other tests;
 - (d) taking disciplinary action where necessary against the candidates, paper-setters, examiners, moderators or any other persons connected with examinations and found guilty of malpractices in relations to the examinations;
 - (e) reviewing, from time to time, the results of the University examinations and forward reports thereon to the Senate (Academic);
 - (f) dealing with any other matter connected with examinations which may, from time to time, be assigned to him by the President;
 - (g) constantly reviewing the system of examinations in order to enhance the level of impartiality and objectivity with a view to make it a better instrument for assessing the attainments of students.
- (4) The Controller of Examinations shall exercise such other powers and perform such other duties, as may be prescribed by the

Statutes or assigned to him by the President or the Vice President.

- Chief Finance and Accounts Officer** 15. (1) The Chief Finance and Accounts Officer shall be appointed by the President, with the approval of the Board of Governors in such manner as may be prescribed by the Rules, and shall have responsibilities as may be specified by the Statutes.
- (2) The Chief Finance and Accounts Officer shall be the Principal Finance, Accounts and Audit Officer of the University.
- (3) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties, as may be specified by the Statutes or, may be assigned to him, by the President or the Board of Governors, from time to time.

- Other Officers** 16. (1) The University may appoint such other officers, as may be necessary for its functioning.
- (2) The manner of appointment of other officers of the University, the terms and conditions of service of such officers and their powers and functions shall be such, as may be specified by the Statutes, Ordinances, Rules or Regulations.

- Authorities of the University** 17. The following shall be the authorities of the University, namely:-
- (1) Board of Governors;
- (2) Senate (Academic);
- (3) Senate (Administration);
- (4) such other authorities, as may be declared by the Statutes to be the Authorities of the University.

- Board of Governors** 18. (1) The Board of Governors of the University shall be appointed by the Sponsoring Body to take all decisions for and on behalf of the University to attain its vision, mission, goals, and objectives. The Board shall consist of the following members, namely:-
- (a) the Chairperson, who shall be an eminent person from the field of education, industry, agriculture, commerce, banking, finance, administration, social, cultural and other allied fields to be nominated by the Sponsoring Body in such manner as may be prescribed by the Rules;
- (b) the President as an ex-officio member;
- (c) Vice President as an ex-officio member;
- (d) two members from the Implementing Partner;
- (e) Head of Department, Education Department, Government of Sikkim, ex-officio;
- (f) three eminent persons, as nominated by the Sponsoring Body, in the field of education, industry, commerce, social,

cultural and other allied fields, of which at least one shall be a woman;

- (g) Registrar of the University, ex-officio Member Secretary of the Board of Governors.
- (2) The Board of Governors shall be the supreme authority of the University.
 - (3) Notwithstanding the general powers mentioned in sub-section 2 above, the Board of Governors shall have the following powers:
 - (a) to set the vision, objectives, goals, policies, and devise strategy for the University and review it periodically;
 - (b) to provide general superintendence and directions and to control the functioning of the University by using all such powers as are provided by this Act or the Statutes, Ordinances, Regulations or Rules made thereunder;
 - (c) to approve all appointments of the Officers of the University or any other appointments made under the University;
 - (d) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of this Act or the Statutes, Ordinances, Regulations or Rules made thereunder;
 - (e) to modify, adopt, and approve the budget and annual report of the University;
 - (f) to adopt, approve, modify and amend Rules, Regulations, Statutes, Ordinances, etc. and advice on the policies to be followed by the University;
 - (g) to recommend to the Sponsoring Body about the voluntary liquidation of the University, as specified in Section 40 of this Act; and
 - (h) such other powers, as may not be prescribed by the Statutes, Ordinances, etc. but are otherwise required for the furtherance of the objectives and goals of the University.
 - (4) The Chairperson of the Board of Governors shall preside over the convocation of the University for conferring Degrees, Diplomas or other academic distinctions.
 - (5) The Chairperson of the Board of Governors shall have the authority to periodically review the functioning of the University. He shall have the right to seek information and obtain reports from the President and any other officers and authorities of the University.
 - (6) The Chairperson of the Board of Governors shall have the right to decide and approve the agenda proposed by the Member Secretary for the Board.

- (7) The Board of Governors shall meet at least twice in a calendar year or as and when deemed necessary with the minimum prescribed quorum as specified in the Statutes.
- (8) The term of office of the members other than the ex-officio members shall be four years.

Senate (Academic) 19. (1) The Senate (Academic) shall consist of the following members, namely:-

- (a) the President, who shall be ex-officio Chairperson of the Senate (Academic);
 - (b) the Vice President shall be the ex-officio Vice-Chairperson of the Senate (Academic);
 - (c) one member from the Implementing Partner;
 - (d) Controller of Examinations;
 - (e) Dean(s) of Schools;
 - (f) two Associate Professors from the Departments other than the Heads of the Departments by rotation to be nominated by the President;
 - (g) two persons from amongst educationists of repute or persons from any other field related to the activities of the University, who are not in the service of the University, nominated by the President;
 - (h) Registrar of the University, ex-officio Member Secretary.
- (2) The President shall be the ex-officio Chairperson of the Senate (Academic).
 - (3) The powers and functions of the Senate (Academic) shall be such, as may be specified by the Statutes and Ordinances.
 - (4) The Senate (Academic) shall be the principal academic body of the University and shall, subject to the provisions of this Act and the Rules, Statutes and Ordinances made thereunder, co-ordinate and exercise general supervision over the academic policies of the University.
 - (5) The term of office of the members other than the ex-officio members shall be four years.

**Senate
(Administration)**

- 20. (1)** The Senate (Administration) shall consist of the following members:
- (a) the President of the University, who shall be the ex-officio Chairperson of the Senate (Administration);
 - (b) the Vice President;
 - (c) one member from the Implementing Partner;
 - (d) Dean(s) of Schools;

- (e) two teachers of the University to be nominated by the President;
 - (f) two persons from amongst senior administrators of repute or persons from any other field related to the activities of the University, who are not in the service of the University, nominated by the Implementing Partner;
 - (g) Registrar of the University, ex-officio Member Secretary.
- (2) The powers and functions of the Senate (Administration) shall be such, as may be specified by the Statutes, Ordinances, etc.
 - (3) The Senate (Administration) shall be the principal management body of the University and shall, subject to the provisions of this Act and the Rules, Statutes and Ordinances made thereunder, co-ordinate and exercise general supervision over the administrative and managerial policies of the University.
 - (4) The term of office of the members other than the ex-officio members shall be four years.

Constitution, powers and functions of other authorities of the University

21. The constitution, powers and functions of other authorities of the University shall be such as may be specified by the Statutes, Ordinances, Rules or Regulations, made under this Act.

Disqualifications

22. Any individual or person appointed under this Act shall be disqualified or debarred from being an officer or a member of any statutory authorities or committees of the University, made under this Act if the person:
- (1) is of unsound mind and stands so declared by a competent court;
 - (2) is an undischarged insolvent;
 - (3) has been convicted of any offence involving moral turpitude;
 - (4) has been punished for indulging in or promoting unfair practices in the conduct of admissions, examination, or in any such conduct which is in violation and in contradiction with the Rules and Regulations and law of the land in any form, anywhere.

Vacancies not to invalidate proceedings of any authority or body of the University

23. No act or proceedings of any authority or body of the University shall be invalid merely by reason of any vacancy or defect in the constitution thereof.

Committees

24. (1) The authorities and officers of the University may constitute committees with such terms of reference for specific tasks to be performed by such committees, as may be necessary.

- (2) The constitution of such committees shall be such, as may be specified by the Statutes, Ordinances, or in the manner prescribed in the Statutes or Ordinances.

Chapter IV

First Statutes

25. (1) Subject to the provision of the Act, and the Rules made thereunder, the First Statutes may provide for all or any of the following matters, namely:
- (a) the constitution, powers and functions of authorities and other bodies of the University, as may be constituted from time to time;
 - (b) the terms and conditions of appointment of the members of the said authorities and bodies, including the President, Vice President, his powers and functions;
 - (c) the manner and terms and conditions of appointment of the Registrar and Chief Finance and Accounts Officer, their powers and functions;
 - (d) the manner and terms and conditions of appointment of other officers and teachers and their powers and functions;
 - (e) the terms and conditions of service of employees of the University;
 - (f) the procedure for arbitration in cases of disputes between employees or students and the University;
 - (g) the conditions under which Colleges and Institutions may be admitted to the privileges of the University and the withdrawal of such privileges;
 - (h) the establishment and abolition of Schools, Departments, Centres, Halls, Colleges and Institutions;
 - (i) the conferment of honorary degrees;
 - (j) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
 - (k) the management of Colleges, Schools and Institutions established by the University;
 - (l) the delegation of powers vested in the authorities or officers of the University;
 - (m) the maintenance of discipline among the employees and students;
 - (n) all other matters which by this Act are to be or may be provided for by the Statutes.
- (2) The first Board of Governors shall be formed by the Sponsoring Body.

- (3) The first Statutes of the University shall be proposed by the first Board of Governors. This shall then be approved in the subsequent meeting by the Board of Governors and shall be submitted to the Sponsoring Body.

**Subsequent
Statutes**

26. (1) Subject to the provisions of this Act and the Rules made thereunder, the subsequent Statutes of the University may provide for all or any of the following matters:
- (a) creation of new authorities of the University;
 - (b) accounting policy and financial procedure;
 - (c) representation of teachers in the authorities of the University;
 - (d) creation of new schools, departments, laboratories and abolition or restructuring of existing departments;
 - (e) institution of medals and prizes;
 - (f) procedure for creation and abolition of posts;
 - (g) revision of fees;
 - (h) alteration of the number of seats in different disciplines; and
 - (i) all other matters which by or under the provisions of this Act are required to be prescribed by the Statutes.
- (2) The Statutes of the University other than the First Statutes shall be made by the Senate (Administration) and shall be approved by the Board of Governors, and submitted to the Sponsoring Body.

First Ordinances

27. (1) Subject to the provisions of this Act, the Rules and the Statutes made thereunder, the First Ordinances may provide for all or any of the following matters, namely:-
- (a) the admission of students to the University and their enrolment as such;
 - (b) the courses of study to be laid down for degrees, diplomas and certificates of the University;
 - (c) the award of degrees, diplomas, certificates and other academic distinctions, the minimum qualifications for the same;
 - (d) the conditions for the award of fellowships, scholarships, stipends, medals and prizes;
 - (e) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;
 - (f) fees to be charged for the various courses, examinations, degrees or diplomas of the University;

- (g) the conditions of residence of the students of the University, and special arrangements if any, for the residence of female students;
- (h) provision regarding disciplinary action against the students;
- (i) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
- (j) the manner of co-operation and collaboration with other Universities and institutions of higher education;
- (k) medium of instructions and examinations;
- (l) such other matters which are required to be provided by the Ordinances by or under this Act.

(2) The First Ordinances of University shall be made by the President which after being approved by the Board of Governors shall be submitted to the Sponsoring Body.

Subsequent Ordinances

28. All Ordinances other than the First Ordinances shall be made by the Senate (Academic), which after being approved by the Board of Governors, shall be submitted to the Sponsoring Body and the State Government.

Regulations

29. (1) The authorities of the University may, subject to the prior approval of the Board of Governors make Rules and Regulations consistent with this Act, the Statutes and the Ordinances made thereunder, for the conduct of the business of each such authority and committees constituted by each such authority.
- (2) Subject to the prevailing Rules and Regulations, the University may affiliate or collaborate with colleges within the state of Sikkim.
- (3) The University shall offer degrees, diplomas and certificates in under-graduate, post-graduate, doctoral and post-doctoral programmes of study, and any other types of programmes and courses, recognised by respective regulatory bodies, which shall be subject to provisions incorporated in Statutes and Ordinances.

General Fund

30. Every University shall establish a fund, which shall be called the General Fund to which the following shall be credited, namely:-
- (1) fees and other charges received by the University;
 - (2) any contributions made in the form of grants, philanthropy and donations to the Sponsoring Body;
 - (3) any income received from consultancy and other work undertaken by the University in pursuance of its objectives;
 - (4) all other sums received by the University.

**Application of
General Fund**

31. The General Fund shall be utilized for the following objects, namely:-

- (1) for the repayment of debts including interest charges thereto incurred by the University for the purpose of this Act and the Statutes, the Ordinances, the Regulations and the Rules made thereunder with the prior approval of the Board of Governors;
- (2) to upkeep the assets of the University;
- (3) for the payment of the fee for audit of the funds;
- (4) to meet with expenses of any suit or proceedings by or against the University;
- (5) for the payment of salaries, allowances, Provident Fund contributions, gratuity and other benefits to officers, employees and members of the teaching, non-teaching and research staff;
- (6) for the payment of travelling and other allowances of the members of the Board of Governors, Senate (Academic), Senate (Administrative), other authorities or bodies so established by the University, and the members of any committee appointed by any of the authority or the Chairperson of the Sponsoring Body or the President or the Vice President;
- (7) for the payment of fellowships, freeships, scholarship, assistantships and other awards to the students belonging to economically weaker sections of the society or research associates, trainees or, as the case may be, to any student otherwise eligible for such awards under the Statutes, the Ordinances, the Regulations or the Rules;
- (8) for the payment of any expenses incurred by the University in carrying out the provisions of this Act or the Statutes, the Ordinances, the Regulations or the Rules;
- (9) for the payment of the cost of capital, not exceeding the prime lending rate from time to time of any bank or financial institute, corporate body, trusts, societies, or individuals incurred by the Sponsoring Body for setting up the University and the investments made therefor;
- (10) for the payment of any other expenses including relevant fee payable to the Implementing Partner as laid down in the Contract Agreement;
- (11) for the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of the provisions of this Act and the Rules, the Statutes or the Ordinances made thereunder;
- (12) for the payment of any other expenses including service fee payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the University, on behalf of the Sponsoring Body, as approved by the Senate (Administrative) to be an expense for the purposes of the University;

Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the years, as may be fixed by the Senate (Administrative), without prior approval of the Senate (Administrative).

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| Maintenance of fund | 32. The funds established under Section 30 of this Act shall, subject to general supervision and control of the Board of Governors, be regulated and maintained in such manner as may be prescribed by the Statutes and Ordinances. |
| Annual Report | 33. The Annual Report of the University shall be prepared by the University which shall include among other matters, the steps taken by the University towards the fulfilment of its objects and shall be approved by the Board of Governors, and submitted to the Sponsoring Body. |
| Annual Accounts and Audit | 34. (1) The annual accounts including the balance sheet of the University shall be prepared under the direction of the Senate (Administration) and the annual accounts shall be audited at least once every year by the auditors appointed by the University for this purpose.

(2) A copy of the annual accounts together with the audit report shall be approved by the Board of Governors and submitted to the Sponsoring Body. |
| Power to remove difficulties | 35. (1) If any difficulty arises in giving effect to the provisions of this Act, the consulta after obtaining the approval of the Board of Governors shall submit a proposal to the Government.

The Government may as occasion arises, by an order published in the Official Gazette, do anything not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature for its approval. |
| Returns and Information | 36. The University shall furnish to the Sponsoring Body such returns or other information concerning its property or activities as the Sponsoring Body may, from time to time, require. |
| Filling of casual vacancies | 37. All casual vacancies among the members (other than an ex-officio member) of any authority or other body of the University shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and the person |

appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

The Act to have overriding effect

38. The provisions of this Act and any Regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any other instrument having effect by virtue of any law other than this Act.

Protection of action taken in good faith

39. No suit or other legal proceeding shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Dissolution of the University

40. (1) On the recommendation of the Board of Governors to the Sponsoring Body, the latter may propose dissolution of the University in accordance with the law governing its constitution or incorporation, it shall give at least 12 (twelve) months' notice in writing to all the stakeholders, including the State Government.
- (2) During this interim period, it shall ensure that no new admissions to the University are accepted and the last batches of students of the regular courses have completed their courses and they have been awarded degrees, diplomas or awards, as the case may be. All financial obligations whatsoever may be, for dissolution of the University, shall lie with the University.

**Suraj Chettri (SSJS),
L.R.-cum-Secretary,
Law & P. A. Department,
Government of Sikkim.
F. No. 11(656)/L&PAD/2021**

